

General Procedures for Los Angeles County Historical Landmarks And Records Commission Public Hearings

Designation of Landmarks/Historic District

The Commission incorporates as part of its Rules of Procedure for hearings pursuant to the Historic Preservation Ordinance (Ordinance) the Rules of Procedure for the Regional Planning Commission, as applicable, as set out in Sections 7 (Order of Evidence), 8 (Rules of Evidence), 11 (Receipt of Evidence Outside Hearing), 12 (View of Property), 13 (Disclosure), and 16 (Supplemental Rules of Procedure). See Attachment 1.

The Chair of the Commission or any Commissioner acting as Chair may set time limits for speakers and otherwise conduct the Commission meetings consistent with state law, the Ordinance and applicable procedures.

Commission Process for Public Hearing Item

The purpose of the public hearing item is to obtain testimony from affected or interested persons regarding the noticed proposed application for designation of a Landmark or Historic District. Interested parties are also invited to submit written comments regarding the request prior to the hearing. Notices will be given pursuant to state law and the Historic Preservation Ordinance. Ordinance Section 22.52.3060 – Criteria for Designation of Landmarks and Historic Districts provides criteria for evaluation of the application noticed for hearing.

Summary, Questioning and Testimony for Public Hearing Item

1. The public hearing steps will be substantively as set out in attached Section 7 on Order of Evidence, consistent with the Ordinance and other attached procedures. The Chair will call for witnesses to be sworn, and the staff will administer the oath.
2. After closing the public hearing, the Commission either will render a decision at the same meeting, or render a decision within 30 days.
3. In the Commission's discretion, the decision may be: either 1) to adopt a resolution recommending designation in whole or in part and with or without modifications and approve the application, or 2) to adopt a resolution disapproving the designation and deny the application.
4. Following a decision, the Commission may request that staff announce any appeal process. Approval of an application is forwarded to the Board of Supervisors with a recommendation from the Commission that the Board of Supervisors approve the designation pursuant to the Ordinance.

Selected Rules of Procedure of
Los Angeles County Regional Planning Commission

SECTION 7. ORDER OF EVIDENCE. The order of presentation of evidence, unless otherwise directed by the Commission, shall be as follows:

- (a) Staff report;
- (b) Environmental Impact Assessment, as applicable;
- (c) Disclosures by members of the Commission, unless previously disclosed;
- (d) Applicant's evidence;
- (e) Evidence in favor of proposal;
- (f) Evidence in opposition to proposal;
- (g) Other evidence concerning the proposal;
- (h) Rebuttal by applicant, subject to the discretion of the Commission;
- (i) Closing of public hearing;
- (j) Discussion by Commissioners and statement of intended decision;
- (k) Questions by Commissioners will be in order at any time following any party's presentation, subject to time limitations;

SECTION 8. RULES OF EVIDENCE. The following rules of evidence shall apply:

- (a) The hearing need not be conducted according to technical judicial rules of evidence.
- (b) Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
- (c) Witnesses will be sworn prior to the hearing.

SECTION 11. RECEIPT OF EVIDENCE OUTSIDE OF HEARING.

(a) The Commission does not encourage the receipt of evidence on a pending application outside the public hearing. If a Commission member talks with an applicant or other interested party, visits a site independently or receives any other evidence pertinent to a pending matter outside the public hearing, the Commissioner shall disclose the contact and evidence received during the hearing on the matter as provided in Section 13. The applicant, appellant or any other interested party shall have the opportunity to supplement or rebut the evidence disclosed, and failure to do so shall be deemed a waiver of any objection regarding the evidence.

(b) The provisions of subsection (a) do not apply to the following:

- (1) Matters which have broad application in the County as distinguished from specific application to individual parcels of property;
- (2) Receipt of evidence after the close of a hearing for the limited purposes of (i) clarifying information received during the hearing by directing questions to County staff or to the public or (ii) determining whether to order that the matter be reheard; or
- (3) Factual inquiries made to and received from County staff.

(c) If necessary to permit additional testimony or other evidence, a public hearing may be reopened during Commission deliberation at the meeting in which the hearing was held without further public notice.

SECTION 12. VIEW OF PROPERTY. Where, during the course of a hearing it appears that one or more Commission members desire to view the subject property, the hearing shall be continued for that purpose. When the hearing is continued and if the

members of the Commission so desire, they may individually view the site and shall thereafter report their observations at the continued hearing, or as a body they may view the site and may be accompanied by proponents, opponents, and other interested persons.

SECTION 13. DISCLOSURE. A Commission member who has received evidence outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his or her observations and familiarity with the property so that the applicant, opponent, interested person, planning staff, and other members of the Commission may be aware of the facts or evidence upon which he or she is relying and have an opportunity to support or controvert the facts or evidence. All written evidence received outside of the hearing shall be filed with the Clerk.

SECTION 16. SUPPLEMENTAL RULES OF PROCEDURE.

(a) The Commission may amend these rules and adopt additional and supplemental rules of procedure governing the conduct of its meetings.

(b) The Commission may suspend any of these rules for the duration of the meeting or for a particular item by an affirmative vote of a majority of those members of the Commission present and voting, unless such suspension would violate any applicable laws or ordinances. A motion to suspend any of these rules shall be made on the ground that such suspension will promote the public interest, convenience or welfare.

(c) Except where these rules provide to the contrary, the meetings shall be governed by the latest edition of Robert's Rules of Order.

(d) Failure of the Commission to follow the rules of procedure established herein shall not invalidate or otherwise affect any action of the Commission.

OATH
SWEARING IN

If you wish to speak at this hearing please stand and raise your right hand.

"Do you (and each of you) swear or affirm, under penalty of perjury, that the testimony you may give in the matter(s) now pending before this COMMISSION shall be the truth, the whole truth, and nothing but the truth?"